

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-0201-JMS-TAB
)	
MICHAEL WRIGHTSMAN,)	- 11
)	
Defendant.)	

REPORT AND RECOMMENDATION

On October 4, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 5, 2018. Defendant Wrightsman appeared in person with his appointed counsel William Dazey. The government appeared by Tiffany Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Wrightsman of his rights and ensured he had a copy of the Petition. Defendant Wrightsman orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Wrightsman admitted violation number 1 as set forth in the Petition. [Docket No. 590.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition,¹ are:

¹ During the hearing, Probation Officer Adamson reported that, on September 10, 2018, Defendant submitted a urine sample which tested positive for cocaine; he denied using any illegal drugs, and the specimen was forwarded to Alere Laboratory where it confirmed positive for cocaine. This separate violation will not be filed and it is the intent of the parties and the Magistrate Judge that it be resolved by the resolution recommended herein.

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On August 28, 2018, Mr. Wrightsman submitted a urine sample which tested positive for cocaine and methamphetamine. He admitted ingesting the substances.

As previously reported to the Court, the offender tested positive for cocaine on December 21, 2017, January 9, 16, February 16, April 20, 24, and May 8, 2018.

4. The Court finds that:


- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

5. Parties jointly recommended a sentence of eight (8) months incarceration with no supervised release to follow.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in the Petition, and recommends that Defendant’s supervised release be revoked, and that he be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 10 OCT 2018



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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